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Attorney for Defendants ZAVEN SHAMOYAN, *a public employee*, MICHAEL F. ESCALANTE, *a public employee*, LINDA EVANS, *a public employee*, CHRISTOPHER COULTER, *a public employee*, MARK BROWN, *a public employee*, SUNGSOOK KIM, *a public employee*, CHARLOTTE SASSOUNIAN, *a public employee*, TAMAR KATAROYAN, *a public employee*, and H.A. PAZ, *a public employee*

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1 UNITED STATES DISTRICT COURT
2
3 CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION

4 MATHEW DAVIS,
5
6 Plaintiff,

7 vs.

8 ZAVEN SHAMOYAN, MICHAEL F.
9 ESCALANTE, LINDA EVANS,
10 CHRISTOPHER COULTER, MARK
11 BROWN, SUNGSOOK KIM,
12 CHARLOTTE SASSOUNIAN,
13 TAMAR KATAROYAN, H.A. PAZ,
14 COUNTY OF LOS ANGELES,
SCOTT SHINAGAWA and DOES 1
through 10, inclusive,

Defendants.

) Case No.: CV10-01837-DMG (CWx)

) **JOINT REPORT OF PARTIES**
) **PURSUANT TO FEDERAL RULE**
) **OF CIVIL PROCEDURE 26(f)**

) **ACTION FILED: March 15, 2010**

15 Pursuant to Federal Rule of Civil Procedure 26(f) and this Court's Order
16 Setting Scheduling Conference, a telephone conference of the parties was held on
17 September 10, 2010, which was attended by Ana W. Lai, attorney for defendants
18
19 ZAVEN SHAMOYAN, *a public employee*, MICHAEL F. ESCALANTE, *a public*
20 *employee*, LINDA EVANS, *a public employee*, CHRISTOPHER COULTER, *a*
21 *public employee*, MARK BROWN, *a public employee*, SUNGSOOK KIM, *a*
22 *public employee*, CHARLOTTE SASSOUNIAN, *a public employee*, TAMAR
23 KATAROYAN, *a public employee*, and H.A. PAZ, *a public employee*

1 (“Defendants”) and by Joe Utzurum, attorney for plaintiff MATHEW DAVIS
2 (“Plaintiff”).

3 Pursuant to Rule 26(f) of the Federal Rules of Civil Procedure, Local
4 District Court Rule 26-1, and the Court’s Order Setting Scheduling Conference, the
5 respective counsel for the parties jointly submit the following Rule 26(f) Joint
6 Report:
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9 **I. FACTUAL SUMMARY OF THE CASE,**
10 **INCLUDING CLAIMS AND DEFENSES**

11 Plaintiff Mathew Davis attended Crescenta Valley High School which is
12 within the Glendale Unified School District pursuant to a special permit as he was
13 a resident of the City of Pasadena. The Glendale Unified School District is a
14 public entity duly organized and existing pursuant to *Government Code Section*
15 *910 et seq.* At the time, the School District’s policy was that any drugs or weapons
16 confiscated from any student would cause the student to be subjected to discipline,
17 up to an including expulsion. Here, the plaintiff was suspended for possession of a
18 knife. His special permit was thereafter revoked and he was directed to complete
19 his senior year at his school of residence in the Pasadena Unified School District.
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23 **A. PLAINTIFF’S CLAIMS**

24 The plaintiff alleges that on March 16, 2009, he was standing next to his
25 personal vehicle on a public street adjacent to the high school. He claims that his
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1 friends approached his vehicle which he was intending to drive home at the end of
2 class. Plaintiff alleges that the defendants conducted an unlawful pretextual search
3 of his vehicle and detained him given a suspicion that he was involved in drug
4 activity. The plaintiff alleges that criminal charges were filed against him as a
5 result of the unlawful violation of his Civil Rights and violation of California law.
6 Plaintiff alleges that the School District and its employees defamed him in and
7 through records, by falsely stating that on March 16, 2009, plaintiff committed a
8 felony while on the school's campus. He further alleges that the district
9 participated in slander and libel against him by putting false and inaccurate
10 information in his records, which caused him to get rejected to military programs
11 and entrance into educational institutions after completing his high school
12 education. Plaintiff claims that he was effectively expelled. Furthermore, plaintiff
13 was forced to incur unreasonable and unexpected educational expenses in
14 transferring from CVHS to complete his high school diploma instead of the public
15 school education he was entitled to receive from the School District.

20 **B. DEFENDANTS SCHOOL DISTRICT EMPLOYEES' CLAIMS**

21 The individual defendants contends that that it has a significant interest in
22 insuring that its premises, including the adjacent streets where students park and
23 congregate are free of drugs and weapons. On the date in question, the plaintiff
24 was engaged in suspicious activity which school personnel reasonably believed
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1 was related to drugs, weapons, or other illegal activity. When plaintiff was
2 approached and asked about any illegal items in his vehicle, he readily admitted to
3 possessing a knife and retrieved it from the glove compartment of his vehicle.
4 When asked again whether he possessed any other illegal items, such as weapons
5 or contraband, he did not respond which heightened the suspicions of school
6 personnel. The school's security agent then retrieved a second knife from the
7 glove compartment of plaintiff's vehicle. The plaintiff was subsequently
8 suspended and directed to return to the school of his residence within the Pasadena
9 Unified School District. Defendants contend that at the time, the School District's
10 policy was that any drugs or weapons confiscated from any student would cause
11 the student to be subjected to discipline, up to and including expulsion.
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15 **C. DEFENDANT SCOTT SHINAGAWA'S CLAIMS**

16 Defendant Deputy Scott Shinagawa contends that after the Glendale Unified
17 school security agent retrieved the weapons from plaintiff's glove compartment, the
18 security agent contacted Deputy Shinagawa via radio and requested that
19 Shinagawa respond to the scene. Upon arrival, Deputy Shinagawa spoke with the
20 school security agent who relayed the circumstances surrounding plaintiff's
21 detention. Deputy Shinagawa then contacted plaintiff who admitted to possession
22 of the weapons. Plaintiff was arrested and transported to Crescenta Valley
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Sheriff's Station. Defendant claims no liability in this matter as plaintiff's arrest was lawful and proper.

II. PRINCIPAL ISSUES

A. PLAINTIFF'S ISSUES

1. Plaintiff contends he was wrongfully suspended.
2. Plaintiff contends that he was wrongfully expelled.
3. Plaintiff contends that his Fourth Amendment rights were violated.
4. Defendants failed to provide him procedural and substantive due process.
5. Plaintiff contends that his federal and state rights were violated by defendants.
6. Plaintiff has incurred damages as a result of defendants' conduct.

B. DEFENDANTS SCHOOL EMPLOYEES' ISSUES

1. Defendants contend that the suspension for possession of a knife was a proper exercise of defendants' discretionary authority.
2. Defendants contend that the revocation of plaintiff's intra-district transfer was a proper exercise of defendants' discretionary authority.
3. Defendants contend that as a public entity and as public employees, defendants are afforded immunity for the discretionary acts involving plaintiff's suspension and the revocation of his intra-district transfer pursuant to *Government Code* § 821.2.
4. Defendants contend that plaintiff's due process rights under the U.S. Constitution and the California State Constitution were not violated.

- 1 5. Defendants contend that plaintiff cannot meet his burden of establishing
2 the necessary elements for a claim of slander against the school district
3 employees.
- 4 6. Defendants contend that plaintiff cannot meet his burden of establishing
5 the necessary elements for a claim of libel against the school district
6 employees.
- 7 7. Defendants contend that plaintiff cannot meet his burden of establishing
8 the necessary elements for intentional infliction of emotional distress
9 against the individual defendants.

10 **C. DEFENDANT SHINAGAWA'S ISSUES**

- 11 1. Defendant contends that plaintiff's arrest for possession of a knife was a
12 proper exercise of defendant's discretionary authority.
- 13 2. Defendant contends that as a public employee in the regular course and
14 scope of his duties, defendant is afforded immunity for the discretionary
15 acts involving plaintiff's arrest pursuant to Government Code § 820 et
16 seq.
- 17 3. Defendant contends that he did not violate plaintiff's due process rights
18 under the U.S. Constitution and the California State Constitution.
- 19 4. Defendant contends that plaintiff cannot meet his burden of establishing
20 the necessary elements for a claim of slander.
- 21 5. Defendant contends that plaintiff cannot meet his burden of establishing
22 the necessary elements for a claim of libel.
- 23 6. Defendant contends that plaintiff cannot meet his burden of establishing
24 the necessary elements for intentional infliction of emotional distress.
- 25 7. Defendant contends that it has no liability pursuant to Penal Code Section
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1 § 847

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3 8. Defendant contends that it has no liability pursuant to Penal Code § 142.

4 The parties reserve the right to narrow or expand this list as the litigation
5 progresses.
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8 **III. ADDITIONAL PARTIES/AMENDED PLEADINGS**

9 Pursuant to the Court's Order of AUGUST 31, 2010, granting plaintiff leave
10 to amend his First Amended Complaint, plaintiff is in the process of amending the
11 complaint. Plaintiff does not anticipate adding any additional parties at this stage
12 of the litigation.
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14 Defendants do not anticipate adding any additional parties or amending the
15 pleadings at this stage of the litigation. Defendants reserve their rights to challenge
16 the amended complaint.
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18 The County of Los Angeles only has been dismissed from this Complaint.
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21 **IV. CASE COMPLEXITY**

22 The parties agree that this case is not sufficiently complex to justify
23 utilization of any of the procedures of the Manual for Complex Litigation.
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1 **V. LAW AND MOTION MATTERS**

2 At this time, Plaintiff anticipates filing their second amended complaint on
3 or before September 17, 2010.
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5 Defendants school district employees' anticipate filing a Motion to Dismiss
6 to plaintiff's second amended complaint, if necessary. Defendants further
7 anticipate a Motion for Summary Judgment, or Partial Summary Judgment. All
8 such dispositive or partially dispositive motions shall be heard by MARCH 15,
9 2011.
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11 All parties also anticipate filing motions *in limine* before trial.
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14 **VI. SETTLEMENT DISCUSSIONS**

15 The parties have not discussed the possibility for settlement or resolution of
16 the case. The parties intend to conduct such discussions. The parties may elect to
17 proceed under mediation with the Party Select Panel.
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19 With respect to the Settlement Procedures set forth in Local Rule 16-14.4,
20 the parties prefer Settlement Procedure No. 2 (i.e., appearing before an attorney
21 selected from the Attorney Settlement Officer Panel or before an attorney
22 appointed by the Court).
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VII. DISCOVERY PLAN

A. RULE 26(A) INITIAL DISCLOSURES

The parties will serve their respective Rule 26(a) initial disclosures by
SEPTEMBER 27, 2010.

B. EXPERT DISCLOSURES

The parties agree that expert witness disclosures required under Rule
26(a)(2) of the Federal Rules of Civil Procedure shall be made at least thirty (30)
days before the trial date or, if the evidence is intended solely to contradict or rebut
evidence on the same subject matter identified in the other party's expert
disclosure, within fifteen (15) days after the disclosure made by the other party.

The parties shall supplement these disclosures as required by Rule 26(a)(2).

C. DISCOVERY SCOPE AND GUIDELINES

Plaintiff will seek discovery regarding all issues pled in the Complaint as
amended, including but not limited to defendants' policies and procedures, the
basis of his suspension and revocation of the intra-district transfer, his claimed
physical, mental and emotional condition and the nature and extent of the
plaintiff's damages.

Defendants will seek discovery regarding the basis for plaintiff's claims,
plaintiff's residency status, his school performance and history, plaintiff's history
of disciplinary actions, plaintiff's conduct and statements while on public school

1 grounds, the legitimate non-retaliatory reasons for plaintiff's suspension and
2 revocation of his intra-district transfer, plaintiff's claimed damages, plaintiff's
3 alleged injuries and damages, including, but not limited to, any alleged physical,
4 psychological, mental or emotional injuries suffered by him, and plaintiff's efforts,
5 if any, to mitigate his alleged damages.
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8 The parties agree that discovery should not be conducted in phases and
9 should not be limited to or focused upon any particular issue.

10 **D. OTHER DISCOVERY LIMITATIONS**

11 The parties agree that no changes should be made in the limitations on
12 discovery imposed by the Federal Rules of Civil Procedure and/or the Court's
13 Local Rules, with the exception of FRCP 30 and expert discovery deadlines as
14 provided in section VII(b) of this Report. The parties also agree that the limitation
15 on the length of depositions set forth in FRCP 30 should not apply to this action,
16 and that both parties shall be permitted to take one deposition which lasts up to two
17 days. Additionally, the parties agree that there is no need for any orders under
18 Rule 26(c) or Rules 16(b) and (c) apart from a Scheduling Order reflecting the
19 dates proffered by counsel below.
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VIII. TRIAL FORM AND LENGTH

Plaintiff and Defendants seek to try this case to a jury. The parties estimate that the civil jury trial will be 5 days in duration.

IX. OTHER ISSUES AFFECTING THE STATUS
OR MANAGEMENT OF THE CASE

The parties are presently not aware of any other issues that would affect the status or management of the case.

X. PROPOSED DATES

1. Amended Pleadings and Addition of Parties cut-off: JANUARY 4, 2011
2. Discovery cut-off: MARCH 1, 2011
3. Law and Motion cut-off: MARCH 15, 2011
4. Summary Judgment Motion cut-off: MARCH 15, 2011
5. Expert Discovery cut-off: APRIL 19, 2011

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6. Pretrial conference date: MAY 10, 2011

7. Trial date: JUNE 7, 2011

Dated: September 20, 2010

UTZURRUM LAW OFFICES, A.P.C.

By: 

JOE UTZURRUM, ESQ.

Attorneys for Plaintiff
MATHEW DAVIS

Dated: September 20, 2010

LOS ANGELES COUNTY COUNSEL OFFICE

By: _____

JOSEPH LANGTON, ESQ.

Attorneys for Defendant
SCOTT SHINAGAWA

Dated: September 20, 2010

DOUMANIAN & ASSOCIATES

By: 

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4 Dated: September 20, 2010

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5
6 By: _____

7 **JOE UTZURRUM, ESQ.**

8 Attorneys for Plaintiff

9 MATHEW DAVIS

10 Dated: September 20, 2010

LOS ANGELES COUNTY COUNSEL OFFICE

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12 By:  _____

13 **JOSEPH LANGTON, ESQ.**

14 Attorneys for Defendant

15 SCOTT SHINAGAWA

16 Dated: September 20, 2010

DOUMANIAN & ASSOCIATES

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18 By:  _____

19 **NANCY P. DOUMANIAN, Esq.**

20 Attorneys for Defendants ZAVEN

21 SHAMOYAN, a public employee, MICHAEL

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6 By: _____

JOE UTZURRUM, ESQ.

Attorneys for Plaintiff

MATHEW DAVIS

7
8
9
10 Dated: September 20, 2010

LOS ANGELES COUNTY COUNSEL OFFICE

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12 By: _____

JOSEPH LANGTON, ESQ.

Attorneys for Defendant

SCOTT SHINAGAWA

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16 Dated: September 20, 2010

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18 By: _____

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EXHIBIT A

Judge Dolly M. Gee

SCHEDULE OF PRETRIAL & TRIAL DATES WORKSHEET

Case No.

CV10-01837-DMG (CWx)

Case

Name

Davis v. Shamoyan, et.al

MATTER	JOINT REQUESTED DATE or PLNTF/DEFT REQUESTED DATE	TIME
TRIAL <input type="checkbox"/> Court <input checked="" type="checkbox"/> Jury Duration Estimate 5 days	6/7/11 (Tuesday)	8:30 a.m.
FINAL PRETRIAL CONFERENCE ("FPTC") 4 wks before trial	5/10/11 (Tuesday)	2:00 p.m.

MATTER	TIME COMPUTATION	JOINT REQUESTED DATE or PLNTF/DEFT REQUESTED DATE
Amended Pleadings and Addition of Parties Cut-Off	90 days after scheduling conf	1/4/11
Non-Expert Discovery Cut-Off (includes hearing of discovery motions)	at least 10 wks before FPTC	3/1/11
Motion Cut-Off (filing deadline)	at least 8 wks before FPTC	3/15/11
Initial Expert Disclosure & Report Deadline	at least 9 wks before FPTC	3/8/11
Rebuttal Expert Disclosure & Report Deadline	at least 5 wks before FPTC	4/5/11
Expert Discovery Cut-Off (includes hearing of discovery motions)	at least 3 wks before FPTC	4/19/11
Settlement Conference Completion Date	at least 4 wks before FPTC	4/12/11
Motions in Limine Filing Deadline	at least 3 wks before FPTC	4/19/11
Opposition to Motion in Limine Filing Deadline	at least 2 wks before FPTC	4/26/11
Other Dates, (e.g., class cert motion cut-off, early mediation, etc.)	at least 90 days after complaint served (unless longer time justified)	

EXHIBIT A